

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 15, 2011 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)

Members Excused: None

Members Absent: Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Wendy Warburton (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 185, 3/3/2011

Executive Action: None

00:00:11 Chairman Peterson

HEARING ON SB 185

Opening Statement by Sponsor:

00:02:03 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 185, Abolish death penalty and replace with life in prison without parole.

[EXHIBIT\(juh58a01\)](#)

[EXHIBIT\(juh58a02\)](#)

00:02:37 Rep. More arrived.

00:03:03 Rep. O'Hara arrived.

00:03:51 Rep. Warburton arrived.

00:19:50 Chairman Peterson

Proponents' Testimony:

00:21:27 Jacqueline Lenmark, Montana Abolition Coalition

[EXHIBIT\(juh58a03\)](#)

00:25:43 J. A. "Ziggy" Ziegler, State Chairman, Montana Catholic Conference, Catholic Social Services of Montana, Abolition Coalition, Montanans for Justice

[EXHIBIT\(juh58a04\)](#)

00:28:56 Phillip Masters, Pastor, Montana Abolition Coalition

00:33:58 John Connor, self

00:39:27 Dennis O'Neill, self

[EXHIBIT\(juh58a05\)](#)

00:42:15 Randy Steidl, self

[EXHIBIT\(juh58a06\)](#)

00:46:03 Carolyn Mad Plume, self

[EXHIBIT\(juh58a07\)](#)

00:46:44 Rep. O'Hara exited.

00:50:25 Carol Steiker, Law Professor

[EXHIBIT\(juh58a08\)](#)

00:59:20 Robert Filipovich

[EXHIBIT\(juh58a09\)](#)

01:02:44 Karen Pfaehler, self

[EXHIBIT\(juh58a10\)](#)

[EXHIBIT\(juh58a11\)](#)

01:05:39 Diana Cote, self

01:09:15 Matt Randles, Headwaters Covenant Church, Helena

01:12:18 Tom Biglen, self

[EXHIBIT\(juh58a12\)](#)

01:16:28 Jessica Crist, Bishop of the Montana Synod, Evangelical Lutheran Church of America (ELCA)

01:17:15 Scott Crichton, American Civil Liberties Union (ACLU)

[EXHIBIT\(juh58a13\)](#)

01:17:38 Jim Brown, Montana Association of Churches

[EXHIBIT\(juh58a14\)](#)

[EXHIBIT\(juh58a15\)](#)

01:18:00 Matt Kuntz, National Alliance on Mental Illness Montana (NAMI)

01:18:06 Beth Brennenman, Disability Rights Montana

01:18:17 Moe Wosepka, Montana Catholic Conference
[EXHIBIT\(juh58a16\)](#)
01:18:31 Patrick Johnson, self
01:18:42 Jane Benson, Montana Abolition Coalition
01:19:05 Staff Sargent F. James Kearns
01:19:24 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
01:19:31 Robert Kolar, Big Sky Tea Party
01:19:52 Rev. Dan Krebill, President, Montana Association of Churches

Opponents' Testimony:

01:22:47 Brett Linneweber, Park County Attorney

[EXHIBIT\(juh58a17\)](#)

01:34:18 Chairman Peterson
01:34:40 Rep. Roy Hollandsworth
01:39:57 Rep. Tom Barry
01:46:25 Jeff Laszloffy, self
01:52:16 W. Gilbert Mangels, self
01:54:00 Rep. Howard exited.
02:03:02 Rep. Janna Taylor

[EXHIBIT\(juh58a18\)](#)

02:09:19 Rep. Driscoll exited.
02:09:32 Harris Himes, pastor and attorney
02:13:00 Rep. O'Hara exited.
02:21:03 Rep. Howard returned.
02:21:35 Dallas Erickson, self

[EXHIBIT\(juh58a19\)](#)

02:23:19 Margaret Mullaly, self

Informational Testimony:

02:23:44 Fritz Gillespie, Chair, Public Defender Commission

[EXHIBIT\(juh58a20\)](#)

02:27:13 Julie Johnson, Attorney in Gough, Shanahan, Johnson and Waterman law firm
02:28:12 Rep. O'Hara returned.

02:29:53 Chairman Peterson ruled Ms Johnson a proponent and cautioned that no further proponent testimony could be accepted.

02:27:49 Vice Chairwoman Sands exited.
02:30:06 Jessie McQuillan, Montana Innocence Project

[EXHIBIT\(juh58a21\)](#)**Questions from Committee Members and Responses:**

02:32:39 Rep. MacDonald
02:33:04 Rep. Driscoll returned.
02:33:34 Vice Chairwoman Sands returned.
02:33:45 Rep Loney exited.
02:33:50 Mr. O'Neill
02:35:40 Rep. Loney returned.
02:35:46 Rep. Howard exited.
02:36:46 Rep. MacDonald

02:37:30 Mr. O'Neill
02:37:35 Rep. Read exited.
02:40:19 Rep. Hill
02:40:45 Mr. Connor (AG)
02:41:09 Rep. Skattum exited.
02:41:49 Rep. Read returned.
02:44:18 Mr. O'Neill
02:44:27 Rep. Bangerter
02:44:33 Rep. Skattum returned.
02:43:53 Rep. Bangerter
02:45:11 Sen. Wanzenreid
02:45:40 Rep. Bangerter
02:45:53 Sen. Wanzenreid
02:47:22 Rep. Driscoll
02:48:37 Mr. Biglen
02:49:12 Rep. Howard returned.
02:51:30 Rep. Driscoll
02:52:20 Ms McQuillan
02:52:57 Rep. Harris
02:53:49 Mr. Linneweber
02:55:39 Rep. Harris
02:56:39 Mr. Linneweber
02:57:23 Rep. Harris
02:58:00 Mr. Linneweber
02:58:23 Rep. Warburton
02:59:12 Mr. Linneweber
03:00:20 Rep. Loney
03:00:45 Sen. Wanzenreid
03:00:59 Rep. More
03:01:49 Mr. Wosepka
03:03:39 Rep. More
03:04:05 Mr. Wosepka
03:04:17 Rep. Wagner
03:05:07 Mr. Gillespie
03:05:26 Rep. Wagner
03:06:14 Mr. Gillespie
03:06:19 Rep. Harris
03:06:52 Mr. Connor
03:07:35 Rep. Wagner
03:08:17 Mr. Connor
03:08:36 Rep. Skattum
03:09:19 Mr. Linneweber
03:10:33 Vice Chairwoman Sands
03:11:23 Mr. Connor
03:12:41 Vice Chairwoman Sands
03:13:50 Mr. Connor
03:14:51 Vice Chairwoman Sands
03:15:26 Mr. Connor
03:15:33 Rep. Pease-Lopez
03:16:22 SSG Kearns

03:16:31 Rep. More
03:18:36 Sen. Wanzenreid
03:19:55 Rep. More
03:20:18 Sen. Wanzenreid
03:20:34 Rep. Menahan
03:21:30 Rep. Loney exited.
03:21:47 Rep. Read exited.
03:21:56 Mr. Connor
03:22:27 Rep. Loney returned.
03:24:38 Rep. Menahan
03:25:27 Mr. Connor
03:26:13 Rep. Harris
03:26:27 Rep. Hansen exited.
03:27:14 Mr. Connor
03:27:41 Rep. Harris
03:27:51 Mr. Connor
03:27:59 Rep. Hansen returned.
03:28:19 Rep. Harris
03:28:47 Mr. Connor
03:29:55 Rep. Bangerter
03:30:26 Ms McQuillan
03:30:49 Rep. Wagner
03:31:09 Chairman Peterson
03:31:46 Mr. Connor
03:31:51 Chairman Peterson
03:32:03 Mr. Connor
03:32:06 Chairman Peterson
03:32:41 Mr. Connor
03:33:59 Chairman Peterson
03:34:10 Mr. Connor
03:35:00 Chairman Peterson
03:35:44 Mr. Masters
03:36:14 Chairman Peterson

Closing by Sponsor:

03:36:33 Sen. Wanzenreid

03:38:54 Rep. Read returned.
03:49:07 Chairman Peterson
03:49:25 Rep. Hansen

ADJOURNMENT

03:49:42 Adjournment

Karen Armstrong, Secretary

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Additional Exhibits:

[EXHIBIT\(juh58a22\)](#)

[EXHIBIT\(juh58a23\)](#)

Additional Documents:

EXHIBIT([juh58aad.pdf](#))